

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re: :  
: Docket #20cv8924  
IN RE NEW YORK CITY POLICING :  
DURING SUMMER 2020 DEMONSTRATIONS :  
: New York, New York  
: August 9, 2021  
----- : TELEPHONE CONFERENCE

PROCEEDINGS BEFORE  
THE HONORABLE GABRIEL W. GORENSTEIN,  
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For Sow Plaintiffs: GIDEON ORION OLIVER  
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For Payne Plaintiffs: NEW YORK CIVIL LIBERTIES UNION  
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For Sierra Plaintiffs: RICKNER PLLC  
BY: ROB RICKNER, ESQ.  
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For Plaintiff People of the State of New York: NEW YORK STATE OFFICE OF  
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APPEARANCES (CONTINUED):

For Defendants: NEW YORK CITY LAW DEPARTMENT  
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None

E X H I B I T S

<u>Exhibit Number</u>	<u>Description</u>	<u>ID</u>	<u>In</u>	<u>Voir Dire</u>
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None

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THE CLERK: This is In Re: New York City  
Policing During Summer 2020 Demonstrations, 20cv8924.

Counsel, please state your appearances for the  
record, starting with plaintiff.

MR. ROB RICKNER: Hello, this is Rob Rickner for  
the Sierra plaintiffs. I'll be handling argument today.  
Good morning, Your Honor.

MR. DANIEL LAMBRIGHT: Good morning, Your Honor,  
this is Daniel Lambright on behalf of the Payne  
plaintiffs.

MR. TRAVIS ENGLAND: Good morning, Your Honor,  
this is Travis England on behalf of the People.

MR. GIDEON OLIVER: Good morning, Your Honor,  
Gideon Oliver on behalf of the Sow plaintiffs.

HONORABLE GABRIEL W. GORENSTEIN (THE COURT): And  
for defendants?

MS. DARA WEISS: This is Dara Weiss on behalf of  
defendants, good morning, Your Honor.

THE COURT: Okay, welcome, everyone, we're being  
recorded for purposes of preparing a transcript; however,  
any other recording of the proceeding is forbidden, as is  
any dissemination.

We're here based on letters dated August 3<sup>rd</sup> and  
August 5<sup>th</sup>. I have to say, I have never been more confused

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1  
2 about what's going on. And just to cut to the chase, is it  
3 correct, Ms. Weiss, that you have all the documents sitting  
4 there ready to go, ready to be inspected and copied?

5 MS. WEISS: They are in a computer in the Office  
6 of the Corporation Counsel ready to be inspected. That is  
7 the closed CCRB files and the IAB files that were part of  
8 the Department of Investigation files. The open CCRB files  
9 which are due for production on the, at the end of this  
10 week, are half on a computer at the Office of the  
11 Corporation Counsel, they were actually bigger, the files  
12 were bigger than the computer could hold so we had to get,  
13 and I'm not hugely technologically savvy but it's my  
14 understanding that they had to get another drive to  
15 transfer the rest of the open files. But hopefully that  
16 will be done by tomorrow.

17 So the plaintiffs are welcome to arrange a day  
18 and time to come and inspect the files and let us know  
19 which they would like copied. There's an enormous amount of  
20 information and a great deal of it is duplicative of what  
21 they've already got.

22 THE COURT: So I'm not talking about the open  
23 files, I'm talking about the ones that were due on the  
24 31<sup>st</sup>, are they ready to be, I gather they're ready to be  
25 inspected, are they ready to be --

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1  
2 MS. WEISS: Yeah.

3 THE COURT: Okay, what's stopping the plaintiffs  
4 from just saying copy them all?

5 MS. WEISS: We're hoping that they don't want  
6 them all because they've got a majority of them, it's --

7 THE COURT: Why do you care?

8 MS. WEISS: Because it's burdensome to copy them.  
9 Again, it's time consuming, it's costly --

10 THE COURT: I don't understand what the time,  
11 these are not paper files, I assume?

12 MS. WEISS: No, they're not, but it's my  
13 understanding from what I've heard from more  
14 technologically savvy folks in my office, it's taking days  
15 to get them copied, it's not just pop in, you know, a disk  
16 or whatever it is and copy them, it's enormous amounts of  
17 materials. And it's time consuming and it takes person  
18 hours and computer hours, and we're trying to get  
19 depositions scheduled and done and produce documents in  
20 advance of those depositions pursuant to Your Honor's  
21 orders at the last conference we've had, and get those  
22 done. And it's yet another thing that we're hoping to  
23 get down to, to not have to reproduce materials that  
24 have been produced already and letting the plaintiffs  
25 come and see what they actually need and want and tell

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1  
2 us that.

3 THE COURT: Mr. Rickner, do you have any  
4 problem with getting all of it?

5 MR. RICKNER: Well, I want all of it. I don't  
6 see the --

7 THE COURT: You just answered my question,  
8 that's fine.

9 MR. RICKNER: I want all of it.

10 THE COURT: Yes. Ms. Weiss, the objection on  
11 burdensomeness is conclusory and makes no sense to me,  
12 it's not going to take any attorney time. I don't  
13 understand what the expense it. Maybe it takes a few  
14 hours or whatever it is of sitting there for it to get  
15 copied, but the claim of burden is completely  
16 conclusory. So I'm overruling it, you should produce  
17 it, a copy to the plaintiffs. If, you know, you want  
18 to make them pay for the external drive, that's fine  
19 but, you know, unless there is something I'm missing,  
20 that's it.

21 Anything else, Ms. Weiss?

22 MS. WEISS: No, Your Honor.

23 THE COURT: Okay. Anything else from  
24 plaintiffs?

25 MR. RICKNER: Just one thing, Your Honor.

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What we would ask is that they simply produce the documents to us rather than going through their data processing system which could be quite lengthy. We will take on the burden of Bates stamping them. All they have to do is take the materials that they have right now, provide it to the Attorney General's Office as soon as possible at 28 Liberty, and then we will handle the rest of the steps that ordinarily go on, because we need these materials yesterday.

THE COURT: Yes, no, there should be no delay. Ms. Weiss, any reason? I mean if this isn't going to happen by, you know, two or three days from now, then there is going to be a problem.

MS. WEISS: I'm not quite sure what Mr. Rickner means by having him Bates stamp, but we can produce it without Bates stamping it, but I would object to having plaintiffs Bates stamp it. Because we're in the process of Bates stamping other materials and that would certainly interfere with our stamping and I fear that there would be, you know, several documents with the same numbers. If they want to identify documents in some other way, I have no objection to that.

THE COURT: Well they can use their own Bates stamp numbering system, none of us can stop them from doing



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that.

MS. WEISS: No, they can certainly do as they please with that, as long as it doesn't interfere with the Bates stamping that the defendants have been using.

THE COURT: Well I assume the plaintiffs are using a different numbering system or a different identifier, is that right?

MR. RICKNER: We can avoid this problem through a simple meet and confer. What's important is we get the date ASAP.

THE COURT: Okay. All right, any questions about my ruling, Mr. Rickner?

MR. RICKNER: No, Your Honor, thank you.

THE COURT: Ms. Weiss, anything?

MS. WEISS: No, Your Honor.

THE COURT: Okay. Thank you, everyone, good-bye.

(Whereupon the matter is adjourned.)

C E R T I F I C A T E

I, Carole Ludwig, certify that the foregoing transcript of proceedings in the United States District Court, Southern District of New York, In Re: New York Policing During Summer 2020 Demonstrations, docket #20cv8924, was prepared using PC-based transcription software and is a true and accurate record of the proceedings.

Signature Carole Ludwig

Date: August 12, 2021